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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,154	02/26/2002	James C. Y. Chow	8071	2653
1688	7590	04/05/2004	EXAMINER	
POLSTER, LIEDER, WOODRUFF & LUCCHESI 12412 POWERSCOURT DRIVE SUITE 200 ST. LOUIS, MO 63131-3615			DAHBOUR, FADI H	
		ART UNIT		PAPER NUMBER
		3743		

DATE MAILED: 04/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/086,154	CHOW, JAMES C. Y.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Fadi H. Dahbour	3743	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-7 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 26 February 2002 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

FDL DDL

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>2/26/02</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Claim Objections***

1. Claim 5 is objected to because of the following informality:

In line 1 of the claim, the phrase "of claim 5" should be changed to –of claim 4--.

Appropriate correction is required.

2. Claims 1-5 are objected to, due to claim 1 being in improper form because of the appearance of the phrase "in place of", in line 8 of the claim. The Examiner's interpretation is that the first and second sleeves are being claimed in the alternative.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Grim et al.

Grim discloses a splint worn by someone suffering from carpal tunnel syndrome during periods of time when the wearer is not engaging in activities which might aggravate their injury but still requires a level of support (Figs.1-15), comprising a first sleeve (see "sleeve" in line 1 of abstract) fitting over the person's hand and extending up the person's arm past their wrist (Figs.1-2) and including a first support means incorporated into the first sleeve and positioned to support the median nerve passing

through the carpal tunnel and alleviate the pain caused by carpal tunnel syndrome (30, 34, 12 of Fig.1, also see 50, 51, 42 of Fig.2, also see "or within" in line 59 of col.1), the sleeve is open at one end and closed at its opposite end wherein the open end being sized to fit over the person's arm and the opposite end having openings in it for the person's thumb and fingers (Figs.1-2) so the sleeve can be fitted onto the person's arm (Figs.1-2), wherein the sleeve is of an elasticized material so to provide a snug fit when worn (see "flexible" in line 60 of col.13, also see "conforms to the unique configuration of an individual's limb" in lines 55-56 of col.1), wherein the support means includes a pocket formed adjacent an inner end of the sleeve and extending over the portion of the person's hand and wrist where the carpal tunnel extends (30, 12 of Fig.1; also see 50, 42 of Fig.2; also see "or within" in line 59 of col.1), the pocket is filled with a support material including a splint (see "splint...34" in line 35 of col.5; also see 34 in Fig.1; also see 51 in Fig.2) inserted into the pocket to support the medium nerve (30, 12 of Fig.1; also see 50, 42 of Fig.2; also see "or within" in line 59 of col.1), wherein the pocket is an air pocket pressurized with air to provide the requisite (see "airtight pouches" in line 25 of col.2, also see "or within" in line 59 of col.1).

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Slautterback, Thibodo, Jr., Betcher, Smerdon, Jr., O'Brien and Theisler are cited to show body supports.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fadi H. Dahbour whose telephone number is 703-306-5479. The examiner can normally be reached on M-F, 9am-5:30pm est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry A. Bennett, can be reached on (703) 308-0101. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*fadi h. dahbour*

Fadi H. Dahbour  
Examiner  
Art Unit 3743